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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,759	05/20/2005	Rudolf Braungardt	BRAUNGARDT, R. ET AL-2 PC	7721

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EXAMINER	
BODAWALA, DIMPLE N	
ART UNIT	**PAPER NUMBER**
1722	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/535,759	BRAUNGARDT ET AL.	
	Examiner	Art Unit	
	Dimple N. Bodawala	1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 May 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Germany on 10/24/2003. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "GKA" has been used to designate both "the counter - contour" (See page 28, line 4) and "the bracing rails" (See page 28, line 18); and also the

reference character "FL" has been used to designate both "the wall shank" (See page 28, line 12) and "the flange rails" (See page 29, line 20).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "FLW" (See page 28, line 4) and "FL" (See page 28, line 12) have both been used to designate "the wall shank". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- *Reference character "FE" for "the tongue" is missing for figures 2 - 4.*
- *Reference character "FL" for "the wall shank" is missing for figures 19 - 21.*

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- *Reference character "A" does not describe for figure 2.*
- *Reference characters "SWG" and "SWD" do not describe for figures 2, 3 and 5.*
- *Reference characters "B" and "FF" do not describe for figure 4.*
- *Reference character "SRG" does not describe for figure 7.*
- *Reference character "RN" does not describe for figure 12.*
- *Reference character "KB" does not describe for figure 22.*

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR

1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- *Page no. 28 discloses the phrase "wall shank" with multiple reference characters such as "FLW" (See line 4) and "FL" (See line 12).*
- *The reference character "GKA" is confused because on page 28, "GKA" is involved to describe "the counter-contours"(See line 4) and "the bracing rails"(See line 18).*

- The reference character "FL" is confused because it is involved to describe "the wall shank" (See page 28, line 12) and "the flange rail" (See page 29, line 20).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 4, 14, and 21 - 23 are rejected under 35 U.S.C. 112, second paragraph, as being lack of antecedent basis in the parent claims.

Claim 4 recites the limitation "Spacer elements" in line 2. There is insufficient antecedent basis for this limitation in the claim. Based on the disclosure of the application, it appears as though this claim is meant to depend from claim 1, which does not claim the space elements. The claim will therefore be treated in the rest of the Office action as though depending from claim 1. However, appropriate correction is required.

Claim 14 recites the limitation "elastic damping material" in line 2. There is insufficient antecedent basis for this

limitation in the claim. Based on the disclosure of the application, it appears as though this claim is meant to depend from claim 1, which does not claim the elastic damping material. The claim will therefore be treated in the rest of the Office action as though depending from claim 1. However, appropriate correction is required.

Claim 21 recites the limitation "Bracing elements" in line 2. There is insufficient antecedent basis for this limitation in the claim. Based on the disclosure of the application, it appears as though this claim is meant to depend from claim 1, which does not claim the bracing elements. The claim will therefore be treated in the rest of the Office action as though depending from claim 1. However, appropriate correction is required.

Claim 22 recites the limitation "Flange rails" in line 2. There is insufficient antecedent basis for this limitation in the claim. Based on the disclosure of the application, it appears as though this claim is meant to depend from claim 1, which does not claim the flange rails. The claim will therefore be treated in the rest of the Office action as though depending from claim 1. However, appropriate correction is required.

Claim 23 recites the limitation "Junction plates" in line 2. There is insufficient antecedent basis for this limitation

in the claim. Based on the disclosure of the application, it appears as though this claim is meant to depend from claim 22, which does not define the junction plate. The claim will therefore be treated in the rest of the Office action as though depending from claim 22. However, appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1- 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber et al. (U S Patent No. 3,932,098) in view of E. Leipold et al. (U S Patent No. 2,413,109).

Huber ('098) discloses the case assembly, which comprises the insert that determines the contour of the molded article, and an insert support to hold the insert in a molding machine and to press that insert against the table. The molding machine comprises the base, the cover plate of which recesses for accommodating the insert are present and that the insert is horizontally supported by the edges of the recesses and vertically supported on the base and/or the cover plate. It also

teaches that the insert supports itself on the inner surface of the base plate (See abstract, col.3 lines 23 - 27, and figure 1).

Huber ('098) discloses the spacer elements, which are inserted within the case, at a distance from the insert between the cover plate and the base plate, wherein the spacer elements (134) are supported on the inner surface of the cover plate and the base plate, and project into the opening in the base plate and the cover plates with the projections, and also spacer elements are welded to the base plate (See figure 4, and col.8 lines 13 - 24).

It also teaches that the insert is pushed through the recesses of the plates from the outside, until it comes to a stop on a first one of the two plates, and is attached to the second of the two plates (See col.5 lines 21 - 28). It further teaches that the insert is welded to the base plate, so the guide rails eject the finished product easily from the case assembly, wherein the insert is releasably inserted into the case, in destruction-free manner (See col.5 lines 31 - 37). It further teaches that the insert projects beyond the base plate and the cover plate, wherein the insert projects beyond the cover plate and that its upper edges lies essentially in a plane

with the upper surface of the metal cover arrangement (See col.4 lines 17 - 33).

It further teaches that the part of the insert that projects beyond the cover plate has an undercut and that an edge of the sheet metal cover engages in the undercut (See col.6 lines 55 - 63). It further discloses the silicon liquid cement, elastic damping material that is inserted between the insert support and the insert (See col.9 lines 9 - 13).

Figure 2 discloses the insert which comprises the slots for accommodating a core holder, wherein the slot and the core holder continue into the cover plate and that the core holder is supported downward in the slot of the insert and upward by means of a sheet metal cover arrangement that is attached onto the cover plate (See col.6 lines 55 - 68 through col.7 line 1 - 9).

Furthermore, figure 2 discloses the sidewalls, which comprises the relief (72) for holding the case in a corresponding counter relief of a molding frame, wherein the relief comprises the groove milled into the sidewalls. It also teaches that the case and the counter relief of the molding frame overlap horizontally and that damping means are inserted between vertically opposite surface of the relief and the counter relief (See col.7 lines 18 - 33).

Huber ('098) discloses bracing elements (98) rest against the side wall of the case from the inside and brace them against the counter surface of flange arrangement from the outside with a positive lock. It further comprises the flange rails (44) are firmly connected with the insert support, on the opposite side walls for clamping into the molding machine (See figure 2, and col.4 lines 38 - 41). It further discloses the junction plate (98) is connected with the side walls as well as the base plates, in the interior of the insert support (See col.6 lines 64 - 68).

Huber ('098) discloses disclose all claimed structural limitations as discussed above, but does not disclose the vibrate base, and also the base plate bent in U shape.

In the analogous art, Leipold ('109) discloses the apparatus for manufacturing the building block which comprises the hollow case with the vibrating machine, in which each forms and its contents may be lowered momentarily onto a surface which is continuous vibration for casting a successive block for construction (See page 2 lines 15-23, figure 1). Figure 3 teaches that the base plate is a part of a bent piece of sheet metal, having two sidewall parts that face other plate, in each instance. Leipold ('109) discloses the cover plate and the base plate, in each instance, the center part of two pieces of metal

bent in U shape, and engage into one another with the opening of the U shape facing one another, rotated by 70 degree, which is approximately 90 degree (see col.5 lines 4 - 7; col. 10 lines 16-29).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the case assembly of Huber et al. ('098) by providing the vibrate base as suggested by Leipold ('109) because such a machine provides a vibrating table as an adjacent support may be subjected momentarily to vibrate the form and the mix therein contained (See col.2 lines 15-23), and produce a relative movement of the table and support respecting each other in a direction to transfer a load from one to other during the casting of the successive block by an arrangement (See col.10 lines 57-65).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Braungardt et al. (U S Publication No. 2005/0238751 A1) discloses the moulding machine, which comprises the molding insert with plurality of the cavities and also teaches the positive lock engagements between depressions in the relief structure in the wall of the mold cavity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dimple N. Bodawala whose telephone number is (571) 272-6455. The examiner can normally be reached on Monday - Friday at 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNB

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